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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,806	11/03/2003	Howard G. Wong	100204097-1	6269

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EXAMINER	
MORRISON, THOMAS A	

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,806	WONG ET AL.	
	Examiner	Art Unit	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-15 and 23-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-5,7 and 10* is/are allowed.

6)☒ Claim(s) *11-15 and 23-27* is/are rejected.

7)☒ Claim(s) *8 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment dated March 9, 2006 has been entered.

2. The indicated allowability of claims 11-15 and 23-24 is withdrawn in view of the newly discovered reference(s) to Katsuyama and Japanese Publication No. 5-77507. In particular, the examiner failed to appreciate the disclosure of the Katsuyama publication and Japanese Publication No. 5-77507 with regard to claims 11-15 and 23-24 of the instant application. Rejections based on these reference(s) follow.

Claim Objections

3. Claims 8-9 are objected to because of the following informalities: (1) "the plane" in line 3 of claim 8 should be -- a plane --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 25, it is unclear what is meant by the recited "the forward end". What element has a forward end?

Claim 25 recites the limitation "the forward end" in line 3. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 25 should depend

from claim 23 rather than claim 1. It appears that such change in dependency would overcome the rejection under 35 U.S.C. 112, second paragraph.

Claim 26 recites the limitation "the processing position" in lines 2 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the storage position" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Applicant should also review claim 27 to ensure that claim 27 has proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11-15 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 5-77507.

Regarding claim 11, Figs. 1-7 show a hardcopy device (1), comprising:

an input tray (8) connected to the hardcopy device (1) and pivotally movable about a first pivot axis (8a) between a processing position (Fig. 1) so as to direct media

into a horizontally facing front (i.e., horizontally facing top surface which can be considered to be "a front") of the device and a storage position (Fig. 3);

an output tray (24) connected to the hardcopy device (1) above the input tray (8) and pivotally movable about a second pivot axis (near 22) between a processing position (Fig. 1) so as to receive media discharged from the front of the device and a storage position (Fig. 3); and

wherein the first pivot axis (8a) is offset relative to the second pivot axis (near 22) and wherein a terminal end of the input tray (8) extends on a first side (i.e., left side) of a vertical plane containing the first axis (8a) in the processing position (Fig. 1) and on a second side (i.e., right side) of the vertical plane in the storage position (Fig. 3) so that when the input tray (8) and the output tray (24) are in their storage positions (Fig. 3) the trays (8 and 24) are held in their storage positions (Fig. 3).

Regarding claim 12, Fig. 1 shows that the input tray (8) defines an input tray plane and the output tray (24) defines an output tray plane, and wherein the input tray and the output tray are configured such that the input tray plane and the output tray plane are parallel when the trays (8 and 24) are in their processing positions (Fig.1).

Regarding claim 13, Fig. 3 shows that the input tray (8) and the output tray (24) are configured such that the input tray plane and the output tray plane are parallel when the trays (8 and 24) are in the storage positions (Fig. 3).

Regarding claim 14, Figs. 1-3 show that the output tray (24) includes an edge forward of the second pivot axis (near 22) that is spaced apart from the input tray (8) by

a distance when the output tray (24) is in its media processing position (Fig. 1) and is spaced apart from the input tray (8) by the distance when the output tray (24) is in its storage position (Fig. 3).

Regarding claim 15, Figs 1-2 show that the hardcopy device (1) is configured for transporting media through the device (1) along a media axis (e.g., axis directed into the hardcopy device along the upper surface of topmost sheet that is fed into the hardcopy device) and wherein the media axis is transverse to the first and second pivot axes (8a and near 22), and wherein the first pivot axis (8a) is offset relative to the second pivot axis (near 22) along the media axis.

Regarding claim 23, Figs. 1-7 show a tray assembly comprising:

a forward end (i.e., forward end of tray 24) configured to be removably received within a front face opening of a device housing (1);

an input tray (8) configured to direct a medium into the front face opening;

an output tray (24) configured to receive a medium discharged from the front face opening, wherein the input tray (8) and the output tray (24) are each configured to pivot between a storage position (Fig. 3) and a processing position (Fig. 1) and wherein the input tray (8) extends substantially parallel to the output tray (24) when in the storage position (Fig. 3).

Regarding claim 24, Figs. 1-3 show that the input tray (8) pivots about a first axis (8a), wherein the output tray (24) pivots about a second axis (near 22), wherein a terminal end of the input tray (8) extends on a first side (i.e., left side) of a vertical plane

containing the first axis (8a) in the processing position (Fig. 1) and on a second side (i.e., right side) of the vertical plane in the storage position (Fig. 3).

6. Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0052956.

Regarding claim 23, Figs. 1-9 show a tray assembly comprising:

a forward end (e.g., forward end of tray 23) configured to be removably received within a front face opening of a device housing (Figs. 6B and 7);

an input tray (20) configured to direct a medium into the front face opening;

an output tray (23) configured to receive a medium discharged from the front face opening, wherein the input tray (20) and the output tray (23) are each configured to pivot between a storage position (Figs. 1 and 3) and a processing position (Fig. 2) and wherein the input tray (20) extends substantially parallel to the output tray (23) when in the storage position (Figs. 1 and 3).

Allowable Subject Matter

7. Claims 1-5, 7 and 10 are allowed. Claims 8-9 would be allowable if amended to overcome the claim objection outlined above. Claims 25-27 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/23/2006

Kathy Matecki

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